

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

VOLTAIRE ASSET MANAGERS II, LLC,	§	
	§	
<i>Appellant,</i>	§	
	§	
v.	§	Civil Action No. SA-19-CV-341-XR
	§	
TRESHA-MOB, LLC,	§	
	§	
<i>Appellee.</i>	§	

ORDER GRANTING TEMPORARY STAY

On this date, the Court considered the Emergency Motion to Stay Sale Order Pending Appeal filed by Appellant Voltaire Asset Managers II, LLC (docket no. 2). The Court GRANTS IN PART this motion and ORDERS that the sale be stayed 14 days.

This case is before the Court on appeal of the April 2 bankruptcy court order confirming the Sale Order of the principal asset at issue in the underlying bankruptcy, a medical office building. This proposed sale is scheduled to close on April 3, which led Voltaire to move this Court to stay the sale pending appeal. To seek this relief from the appellate court without first seeking it in the bankruptcy court, Voltaire must “show that moving first in the bankruptcy court would be impracticable.” FED. R. BANKR. P. 8007(b)(3). Given that the sale is to close one day after the bankruptcy order that is the subject of this appeal and that the Bankruptcy Court has already denied Voltaire’s motion to reconsider, Voltaire has shown the requisite impracticability.

Whether to issue a stay pending appeal requires consideration of four factors: “(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will

substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Nken v. Holder*, 556 U.S. 418, 434 (2009). At this stage, Voltaire has made a sufficient showing to justify a temporary stay of the sale; the Court is particularly persuaded that Voltaire would be irreparably injured absent a stay.

Accordingly, the Court grants a temporary stay of the sale order of 14 days, or until **April 17, 2019**. The deadline for Appellee Tresha-Mob, LLC to respond in opposition to the motion to stay is **April 8, 2019**. After hearing from Appellee, the Court will consider whether to continue the stay pending completion of the appeal or whether to dissolve the stay.

It is so ORDERED.

SIGNED this 3rd day of April, 2019.

A handwritten signature in black ink, appearing to read 'Xavier Rodriguez', is written over a horizontal line.

XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE